

NTSB Order No. EA-4391

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 12th day of August, 1995

Respondent .

Respondent, pro se, filed a timely notice of appeal but did not perfect his appeal by the filing of an appeal brief within 50 days after the law judge rendered the oral initial decision.<sup>3</sup> Therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>4</sup> 49 C.F.R. 821.

Respondent's reply to the motion to dismiss does not identify any reason to excuse his failure to file a timely appeal brief. In the absence of good cause to excuse that failure, the appeal will be dismissed. See Administrator v. Hooper, 6 NTSB 559, 560 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. Respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.

(..continued)  
should be held.

<sup>3</sup>Respondent's brief, due on May 18, 1995, is dated June 9, 1995, and was postmarked June 16, 1995.

<sup>4</sup>Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.